



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 4]

नई दिल्ली, बुधवार, मार्च 7, 2007 / फाल्गुन 16, 1928

No. 4]

NEW DELHI, WEDNESDAY, MARCH 7, 2007 / PHALGUNA 16, 1928

इस भाग में फिन पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 7th March, 2007:—

BILL NO. XII OF 2007

A Bill to declare the Institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, to be an institution of national importance and to provide for its incorporation and matters connected therewith.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2007.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Whereas the objects of the institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in the Union territory of Puducherry are such as to make the institution one of national importance, it is hereby declared that the institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry is an institution of national importance.

Declaration of
Jawaharlal
Institute of
Post-Graduate
Medical
Education and
Research,
Puducherry, as
an institution
of national
importance.

Definitions.

3. In this Act, unless the context otherwise requires,—
- (a) "Fund" means the Fund of the Institute referred to in section 16;
 - (b) "Governing Body" means the Governing Body of the Institute;
 - (c) "Institute" means the institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, incorporated under this Act;
 - (d) "member" means a member of the Institute;
 - (e) "prescribed" means prescribed by rules made under this Act;
 - (f) "specified" means specified by regulations made under this Act.

Incorporation of Institute.

4. The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, an Institute functioning under the Union Ministry of Health and Family Welfare, is hereby constituted a body corporate by the name aforesaid and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and shall, by that name, sue and be sued.

Composition of Institute.

5. (1) The Institute shall consist of the following members, namely:—
- (a) The Minister-in-Charge of Health and Family Welfare — President;
 - (b) Secretary to the Government of India in the Ministry or Department of Health and Family Welfare, *ex officio*;
 - (c) the Vice-Chancellor of the Puducherry University, *ex officio*;
 - (d) the Vice-Chancellor of the Tamil Nadu Dr. M.G.R. Medical University, Tamil Nadu, *ex officio*;
 - (e) the Director-General of Health Services, Government of India, *ex officio*;
 - (f) the Director of the Institute, *ex officio*;
 - (g) Chief Secretary, Government of Puducherry, *ex officio*;
 - (h) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) in the Department of Expenditure, Ministry of Finance, *ex officio*;
 - (i) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) in the Department of Higher Education, Ministry of Human Resource Development, *ex officio*;
 - (j) seven persons of whom one shall be a non-medical scientist representing the Indian Science Congress Association, to be nominated by the Central Government in such manner as may be prescribed;
 - (k) four representatives of the medical faculties of Indian Universities to be nominated by the Central Government in such manner as may be prescribed; and
 - (l) two Members of Parliament from the Union territory of Puducherry, one each from Lok Sabha to be nominated by the Speaker of Lok Sabha, and from Rajya Sabha to be nominated by the Chairman of Rajya Sabha.
- (2) It is hereby declared that the office of member of the Institute shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Term of office of, and vacancies among members.

6. (1) Save as otherwise provided in this section, the term of office of a member shall be five years from the date of his nomination.
- (2) The term of office of a member nominated under clause (l) of sub-section (1) of section 5 shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister or the Speaker or the Deputy Speaker of Lok Sabha or the Deputy

Chairman of Rajya Sabha or ceases to be a member of the House from which he was nominated.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated.

(5) An out-going member other than a member nominated under clause (1) of subsection (1) of section 5 shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place.

(6) An out-going member shall be eligible for re-nomination.

(7) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

(8) The manner of filling vacancies among members shall be such as may be prescribed.

7. The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed.

8. The President and other members shall receive such allowances from the Institute as may be prescribed.

9. The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government; and thereafter, the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be specified.

10. (1) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be specified:

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(2) The Governing Body shall be the executive committee of the Institute and shall exercise such powers and discharge such functions as the Institute may specify in this behalf.

(3) The President of the Institute shall be the Chairperson of the Governing Body and as Chairperson thereof he shall exercise such powers and discharge such functions as may be specified.

(4) The procedure to be followed in exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among the members of the Governing Body shall be such as may be specified.

(5) Subject to such control and restrictions as may be prescribed, the Institute may constitute as many standing committees and as many *ad hoc* committees as it thinks fit for exercising any power or discharging any function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(6) The Chairperson and members of the Governing Body and the Chairperson and the members of a standing committee or an *ad hoc* committee shall receive such allowances, as may be specified.

11. (1) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be prescribed, be appointed by the Institute:

Powers and functions of President.

Allowances of President and members.

Meetings of Institute.

Governing Body and other committees of Institute.

Staff of Institute.

Provided that the first Director of the Institute shall be appointed by the Central Government.

(2) The Director shall act as the Secretary to the Institute as well as the Governing Body.

(3) The Director shall exercise such powers and discharge such functions as may be specified, or as may be delegated to him by the Institute or the President of the Institute or the Governing Body or the Chairperson of the Governing Body.

(4) Subject to such rules as may be prescribed, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and may determine the designations and grades of such other officers and employees.

(5) Subject to such rules as may be prescribed, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be specified.

Objects of Institute.

12. The objects of the Institute shall be—

(a) to develop patterns of teaching in undergraduate and postgraduate medical education in all its branches so as to demonstrate a high standard of medical education;

(b) to bring together, as far as may be, in one place educational facilities of the highest order for the training of personnel in all important branches of health activity; and

(c) to attain self-sufficiency in postgraduate medical education to meet the country's needs for specialists and medical teachers.

Functions of Institute.

13. With a view to the promotion of the objects specified in section 12, the Institute may—

(a) provide for undergraduate and postgraduate teaching in the science of modern medicine and other allied sciences, including physical and biological sciences;

(b) provide facilities for research in various branches of such sciences;

(c) provide for the teaching of humanities;

(d) conduct experiments in new methods of medical education, both undergraduate and postgraduate, in order to arrive at satisfactory standards of such education;

(e) specify courses and curricula for both undergraduate and postgraduate studies;

(f) notwithstanding anything contained in any other law for the time being in force, establish and maintain—

(i) one or more medical colleges with different departments, including a department of preventive and social medicine, sufficiently staffed and equipped to undertake not only undergraduate medical education but also postgraduate medical education in different subjects,

(ii) one or more well-equipped hospitals,

(iii) a dental college with such institutional facilities for the practice of dentistry and for the practical training of students as may be necessary,

(iv) a nursing college sufficiently staffed and equipped for the training of nurses,

(v) rural and urban health organisations which will form centres for the field training of the medical, dental and nursing students of the Institute as well as for research into community health problems, and

(vi) other institutions for the training of different types of health workers, such as physiotherapists, occupational therapists, pharmacists, drug analysts and medical technicians of various kinds;

(g) train teachers from different medical colleges in India;

(h) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in undergraduate and postgraduate medical education as may be laid down in the regulations;

(i) institute, and appoint persons to, professorships, readerships, lecturerships and posts of any description in accordance with regulations;

(j) receive grants from the Government and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(k) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(l) demand and receive such fees and other charges as may be specified;

(m) construct quarters for its staff and allot such quarters to the staff in accordance with such regulations as may be made in this behalf;

(n) borrow money, with the prior approval of the Central Government, on the security of the property of the Institute;

(o) do all such other acts and things as may be necessary to further the objects specified in section 12.

14. The properties of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry which vested in the Central Government shall, on the commencement of this Act, vest in the Institute.

Vesting of property.

15. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary by that Government for the exercise of its powers and discharge of its functions under this Act.

Payment to Institute.

16. (1) The Institute shall maintain a Fund to which shall be credited—

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

Fund of Institute.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 13.

Budget of Institute.

17. The Institute shall prepare in such form and at such time every year a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be prescribed.

Accounts and audit.

18. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may, by rules prescribe, and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute as well as of the institutions established and maintained by it.

(4) The Accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Annual report.

19. The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.

Pension and provident funds.

20. (1) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be specified by regulations, such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to, such fund as if it were a Government Provident Fund.

19 of 1925.

Authentication of orders and instruments of Institute.

21. All orders and decisions of the Institute shall be authenticated by the signature of the Director or any other member authorised by the Institute in this behalf and all other instruments shall be authenticated by the signature of such officers as may be authorised by the Institute.

Acts and proceedings not to be invalidated by vacancies, etc.

22. No act done or proceeding taken by the Institute, Governing Body or any standing or *ad hoc* committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, Governing Body or such standing or *ad hoc* committee.

Grant of medical degrees, diplomas, etc., by Institute.

23. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have the power to grant medical, Dental, Nursing degrees, diplomas and other academic distinctions and titles under this Act.

Recognition of medical qualifications granted by Institute.

24. Notwithstanding anything contained in the Indian Medical Council Act, 1956 the Dentist Act, 1948, the Indian Nursing Council Act, 1947, the medical degrees and diplomas, Dental Degrees and Nursing Degrees granted by the Institute under this Act shall be recognised medical qualifications for the purposes of the Acts aforesaid and shall be deemed to be included in the Schedules to the respective Acts.

102 of 1956.

16 of 1948.

48 of 1947.

25. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Control by
Central
Government.

26. If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute or difference arises between the Institute and the Central Government, the decision of the Central Government thereon shall be final.

Resolution of
differences.

27. The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Returns and
information.

28. (1) On and from the date of commencement of this Act, every employee holding office under the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, immediately before that date shall hold his office in the Institute by the same tenure and upon the same terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office if the Institute had not been incorporated and shall continue to do so as an employee of the Institute or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Institute.

Transfer of
service of
existing
employees.

(2) The provisions of sub-section (1) shall also apply to the members of the Central Health Service, the Central Secretariat Service or any other service or to persons borne on cadre outside the Institute who have been working in the Institute immediately before the date of commencement of this Act:

Provided that where any such member intimates within the time specified in sub-section (1) his intension of not becoming an employee of the Institute but to continue on deputation, he may be allowed to continue on deputation, in accordance with such terms and conditions as may be prescribed:

Provided further that on and from the date of commencement of this Act, the appointment of the officers, belonging to the Central Health Service, to the Institute shall be determined in such manner and in accordance with such terms and conditions as may be prescribed.

(3) The officers and employees holding office under the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry immediately before the date of commencement of this Act, shall become the officers and employees of the Institute with such designations as the Institute may determine and shall be governed by such regulations as may be made as respects remuneration and other conditions of service including pension, leave and provident fund and shall continue to be an officer or employee of the Institute unless and until his employment is terminated by the Institute.

(4) Every officer or other employee of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, shall, within six months from the date of commencement of this Act, exercise his option, in writing, to be governed—

(a) by the scale of pay applicable to the post held by him in the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry immediately before the date of such commencement, or the scale applicable to the post under the Institute to which he is appointed; and

(b) by the leave, provident fund, retirement or other terminal benefits admissible to the employees of the Central Government in accordance with the rules or orders of the Central Government, as amended from time to time, or the leave, provident fund or other terminal benefits admissible to the employees of the Institute under the regulations, and such option once exercised under this Act shall be final:

Provided that the option exercised under clause (a) by an officer or other employee shall be applicable only in respect of the post under the Institute to which such officer or other employee is appointed and an appointment to a higher post under Institute he shall be eligible only for the scale of pay applicable to such higher post:

Provided further that if immediately before the date of his appointment any such officer or other employee is officiating in a higher post under the Government either in a leave vacancy or any other vacancy of a specified duration his pay on such appointment shall be protected for the unexpired period of such vacancy and thereafter, he shall be entitled to the scale of pay applicable to the post under the Government to which he would have reverted or to the scale of pay applicable to the post under the Institute to which he is appointed, whichever he may opt:

Provided also that when an officer or other employee serving in the Union Ministry of Health or in any of its attached or subordinate offices is promoted to officiate in a higher post in the Ministry or office subsequent to the appointment to the Institute of any other officer or employee senior to him in that Ministry or office before such appointment, the officer or other employee who is promoted to officiate in such higher post shall on appointment to the Institute, be entitled only to the scale of pay applicable to the post he would have held but for such promotion or the scale of pay applicable to the post under the Institute to which he is appointed, whichever he may opt.

(5) No officer or other employee appointed under sub-section (2),—

(a) shall be dismissed or removed by an authority subordinate to the authority competent to make a similar or equivalent appointment under the Institute as may be specified;

(b) shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Provided that where it is proposed after such inquiry to impose upon him any such penalty, such penalty may be imposed on the basis of evidence adduced during such inquiry and it shall not be necessary to give such person an opportunity of making representation on the proposed penalty:

Provided further that clause (b) shall not apply where an officer or other employee is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge.

(6) Subject to the provisions contained in sub-sections (1) and (3), the tenure, remuneration and terms and conditions of service including pension of any such officer or other employee shall not be altered to his disadvantage.

**Power to
make rules**

29. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of nomination of members under clauses (j) and (k) of sub-section (1) of section 5;

(b) the manner of filling vacancies under sub-section (8) of section 6;

(c) the powers and functions to be exercised and discharged by the President of the Institute under section 7;

(d) the allowances to be paid to the President and other members of the Institute under section 8;

(e) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (5) of section 10;

(f) the tenure of office, salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute appointed by the Institute under section 11;

(g) the form in which, and the time at which, the budgets and reports shall be prepared by the Institute under section 17;

(h) the form of annual statement of accounts including balance-sheet under sub-section (1) of section 18;

(i) the form of annual report under section 19;

(j) any other matter which has to be or may be prescribed by rules.

30. (1) The Institute with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

(a) the summoning and holding of meetings, other than the first meeting, of the Institute, the time and place where such meetings are to be held and the conduct of business at such meetings under section 9;

(b) the manner of constituting the Governing Body and standing and *ad hoc* committees, the term of office of, and the manner of filling vacancies therein, the allowances to be paid to the members and the procedure to be followed by the Governing Body; standing and *ad hoc* committees in the conduct of their business, exercise of their powers, discharge of their functions under section 10;

(c) the powers and duties of the Director and other officers and employees of the Institute under sub-sections (3) and (4) and other conditions of service under sub-section (5) of section 11;

(d) the power of the Institute under section 13, to specify—

(i) courses and curricula for undergraduate and postgraduate studies;

(ii) hold examination and grant degrees, diplomas and other academic distinctions and titles under clause (h);

(iii) the professorships, readerships, lecturerships and other posts which may be instituted and persons who may be appointed to such posts under clause (i);

(iv) the management of the properties of the Institute under clause (k);

(v) the fees and other charges which may be demanded and received by the Institute under clause (l);

(e) the manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute under sub-section (1) of section 20;

(f) any other matter for which under this Act provisions may be made by regulations.

(2) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its powers under sub-section (1).

31. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall

Power to make regulations.

Laying of rules and regulations before Parliament.

thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to
remove
difficulties.

32. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provision not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section, after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

The Jawaharlal Institute of Post-Graduate Medical Education and Research, Pondicherry was established in 1964 primarily with the objectives to develop patterns of teaching in undergraduate and postgraduate medical education so as to establish and demonstrate high standards of education. The Institute has been providing quality education and excellent patient care delivery services over the years, however; it could not grow due to constraints in the process of manpower selection, lack of academic autonomy, lack of flexibility in administrative and financial powers, commensurate with other institutions like, All India Institute of Medical Sciences, New Delhi and Post-Graduate Institute of Medical Education and Research, Chandigarh.

2. It is proposed to make the Institute a statutory body corporate and declare it as an institution of national importance under entry 64 of List I of the Seventh Schedule to the Constitution so that it may develop as a high-level institution of medical education and research on the pattern of the All India Institute of Medical Sciences, New Delhi and the Post-Graduate Institute of Medical Education and Research, Chandigarh.

3. This Bill will empower the Institute with academic autonomy to develop its own curriculum, set new trends in medical education and research and award its own degrees and also enable it to have appropriate delegated administrative and financial powers. The conferring of statutory status on this Institute will enable it to grow into a model centre of excellence.

4. The Bill seeks to achieve the above objects.

ANBUMANI RAMADSOSS.

Notes on clauses

Clause 1 provides for short title, extent and commencement of the Act.

Clause 2 in view of the objects of the Jawaharlal Institute of Post Graduate Medical Education and Research, Puducherry in the Union territory of Puducherry declares it as an institution of national importance.

Clause 3 provides for the definitions of certain words 'Fund', 'Governing Body', 'Institute', 'member', 'prescribed' and 'specified' used in various provisions of the Bill.

Clause 4 provides for incorporation of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry into a body corporate by the same name having perpetual succession and a common seal with certain powers.

Clause 5 provides for the composition of the Institute with the Minister in charge of Health and Family Welfare as its President and twenty-one other members consisting of eight *ex officio* members, medical specialists, etc., and two Members of Parliament from the Union territory of Puducherry one each from Lok Sabha and Rajya Sabha as its members. It also provides that the office of a member of the Institute shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Clause 6 provides for term of office of member of the Institute, their re-nomination and manner of filling of vacancies of the members.

Clause 7 provides that the President shall exercise such powers and discharge such functions as laid down in the Bill or as may be prescribed.

Clause 8 provides that the President and members shall receive such allowances from the Institute as may be prescribed.

Clause 9 prescribes the procedure of holding first meeting of the Institute and the meetings to be held thereafter.

Clause 10 requires that the Institute shall constitute a Governing Body and the President of the Institute shall be its Chairperson and deals with other committees of the Institute and their powers and functions.

Clause 11 makes provision for the chief executive officer of the Institute who shall be designated as Director of the Institute and shall be appointed in the prescribed manner. It also provides that the first Director shall be appointed by the Central Government. It also provides that the Director shall be the Secretary of the Institute as well as the Governing Body. It also provides that the Institute may appoint, subject to such rules as may be prescribed, such number of officers and employees as may be necessary and the Director and other officers and employees shall be entitled to such salaries and allowances and be governed by such conditions of service as may be specified by regulations.

Clause 12 enumerates the objects of the Institute as developing and attaining high standard of medical education, training of personnel in important branches of health activity, attaining self-sufficiency in higher medical education.

Clause 13 provides for the various functions of the Institute, which *inter alia* include the providing of undergraduate and postgraduate teaching in the science of modern medicine and other allied sciences and research in various branches of science; conduct experiments, establish and maintain medical, dental and nursing colleges, hospitals, rural and urban health organisations which will form centres for field training; specify courses and curricula activities; hold examination and grant degrees, diplomas and other academic distinctions and titles and do all other acts and things as may be necessary to further the objects of the Institute.

Clause 14 provides that the properties of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, which vested in the Central Government, shall vest in the Institute.

Clause 15 provides that Central Government may provide money after due appropriation made by Parliament by law to the Institute for exercising its power and discharging functions under the Bill.

Clause 16 makes provision for a Fund to be maintained by the Institute in which moneys received from Central Government and all fees, other charges, grants, gifts, donation, etc., shall be credited. It also makes provision for applying the fund to meet the expenses of the Institute.

Clause 17 provides for preparation of budget in respect of the financial year next ensuing showing receipts and expenditure of the Institute in prescribed form and requires it to forward the same to the Central Government.

Clause 18 makes provision for maintaining proper accounts and other relevant records and preparation of annual statement of accounts including the balance sheet in such form as may be prescribed in accordance with general directions issued by the Central Government and in consultation with the Comptroller and Auditor General of India and also provides for its audit by the Comptroller and Auditor General of India.

Clause 19 provides for preparation of annual reports of the activities of the Institute in prescribed form to be submitted to the Central Government. This clause also requires laying of the such report before Parliament.

Clause 20 provides for constitution of pension and provident fund for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be specified by regulations. It also empowers the Central Government to declare that the provisions of the Provident Fund Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

Clause 21 provides that all orders and decisions of the Institute shall be authenticated by the signature of the Director or any other member authorised by the Institute.

Clause 22 ensures that any action of the Institute, its Governing Body or any standing or *ad hoc* committee shall not be invalidated on account of any vacancy or defect in any constitution of the Institute, Governing Body, standing or *ad hoc* committee.

Clause 23 provides that notwithstanding anything contained in any other law for the time being in force, the Institute shall have the power to grant Medical, Dental and Nursing degrees, diplomas and other academic distinctions and titles under the Bill.

Clause 24 provides that notwithstanding anything contained in the Indian Medical Council Act, 1956, the Dentist Act, 1948, the Indian Nursing Council Act, 1947, Medical Degrees and Diplomas, the Dental Degrees and Nursing Degrees granted by the Institute shall be recognised medical qualifications under those Acts and shall be deemed to be included in the Schedules of the respective Acts.

Clause 25 provides that Institute shall carry out the directions issued by the Central Government from time to time having regard to the efficient administration of the Bill.

Clause 26 provides if any dispute or difference arises between the Institute and the Central Government with regard to the exercise of powers and discharge of functions by the Institute, the decision of the Central Government thereon shall be final.

Clause 27 provides that the Institute shall furnish such reports, returns and other information as may be asked by the Central Government from time to time.

Clause 28 provides for (i) the absorption of existing employees of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in the Institute on same terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits unless the concerned employees opts within six months not to be employee of the Institute; (ii) the terms and conditions of absorption or deputation of employees belonging to Central Health Service, Central Secretariat Service or

any other service; (iii) protection of pay and other interests on promotion in certain cases in the event of absorption in the Institute.

Clause 29 enables the Central Government to make rules to carry out the purposes of the Bill and enumerates the various provisions whereunder such rules may be made.

Clause 30 enables the Institute to make regulations with the previous approval of the Central Government and consistent with the Act and the rules made thereunder to carry out the purposes of the Bill. It also provides that first regulations under this clause shall be made by the Central Government and any regulation so made may be altered or rescinded by the Institute.

Clause 31 provides for laying of rules and regulations before each House of Parliament.

Clause 32 provides that if any difficulty arises in giving effect to the provisions of the Bill the Central Government may by order make such provisions not inconsistent with provisions of the Bill for removing the difficulty. It also provides that no such order shall be made after the expiry of a period of two years from the date of commencement of the Act and all orders made under this clause shall be laid before each House of Parliament.

FINANCIAL MEMORANDUM

The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, an institute functioning under the Ministry of Health and Family Welfare, is proposed to be declared as an institution of national importance under clause 2 of the Bill. Clause 5 provides for the constitution of the Institute and clause 8 makes provision for the allowances of the President and other members of the Institute. Sub-clause (6) of clause 10 provides for the allowances of the Chairperson and members of the Governing Body, standing committee and *ad-hoc* committee. Sub-clause (5) of clause 11 provides for the salary and allowances of the Director and other officers and employees of the Institute.

Clause 15 provides that after due appropriation made by Parliament, by law, the Central Government may pay to the Institute by way of grants in each financial year such sums of money as the Central Government considers necessary for being utilised for the purposes of the Bill.

Presently, the Institute functioning under the Ministry of Health and Family Welfare is provided budgetary support. For the current financial year a budget provision of rupees 104 crores have been made to meet its expenditure. The Institute shall continue to be supported from Government budget through grant-in-aid.

The Bill does not involve any other expenditure of a recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill empowers the Central Government to make rules to carryout the purposes of the Bill. Such rules may, *inter alia*, provide for the (i) the manner of nomination of members under clauses (j) and (k) of sub-clause (1) of clause 5; (ii) the manner of filling vacancies under sub-clause (8) of clause 6; (iii) the power and functions to be exercised and discharged by the President of the Institute under clause 7; (iv) the allowances to be paid to the President and other members under clause 8; (v) the tenure of office, salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute under clause 11; (vi) the form of annual statement of accounts including balance sheets under sub-clause (1) of clause 18; (vii) the form of annual report under clause 19.

Sub-clause (1) of clause 30 of the Bill empowers the Institute to make regulations, with the previous approval of the Central Government, consistent with the provisions of the Bill and the rules made thereunder, to carry out the purposes of the Bill. Such regulations may, *inter alia*, provide for (i) the summoning and holding of meetings of the Institute; (ii) the manner of constituting the Governing Body and standing and *ad hoc* committees, their term of office, manner of filling vacancies thereunder, allowances to be paid to members and procedure to be followed by such committees and exercise of their powers and discharge of functions under clause 10; (iii) the powers of the Institute under clause 13 to specify courses and curricula, holding examinations and grant of degrees, diplomas, etc., management and priorities of the institute, fees and other charges which may be demanded and received by the Institute, etc.

Sub-clause (2) of clause 30 empowers the Central Government to make the first regulations enumerated in clause (1) which may subsequently be altered and rescinded by the Institute.

The rules and the regulations made under the Bill are also required to be laid before each House of Parliament.

The matters in respect of which rules and regulations may be made under the aforesaid provisions are matter of procedure and administrative details and it is not practical to provide for them in the Bill. The delegation of legislative power is, therefore, of a normal character.

YOGENDRA NARAIN,
Secretary-General.